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1 Michael J. LaVelle – State Bar No. 002296  
2 Matthew K. LaVelle – State Bar No. 018828

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3 **LAVELLE & LAVELLE, PLC**

2011 AUG 26 P 3:07

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5 Phoenix, AZ 85016

AZ CORP COMMISSION  
DOCKET CONTROL

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10 *Attorneys for Respondents Tom Hirsch, Diane Rose Hirsch,*

11 *Berta Walder, Howard Walder, Harish P. Shah, Madhavi H. Shah and Horizon Partners, LLC*

12 **BEFORE THE ARIZONA CORPORATION COMMISSION**

13

14

15 In the matter of:

**DOCKET NO. S-20660A-09-0107**

16 **RADICAL BUNNY, L.L.C., an Arizona**  
17 **limited liability company,**

18 **HORIZON PARTNERS, L.L.C., an**  
19 **Arizona limited liability company,**

**REPLY ON MOTION TO REOPEN  
HEARING AND TO ADD  
EVIDENCE TO THE RECORD**

20 **TOM HIRSCH (aka TOMAS N.**  
21 **HIRSCH) and DIANE ROSE HIRSCH,**  
22 **husband and wife;**

**(Oral Argument Requested)**

23 **BERTA FRIEDMAN. WALDER (aka**  
24 **BUNNY WALDER, a married person,**

**(Assigned to the Honorable Lyn Farmer)**

25 **HOWARD EVAN WALDER, a**  
26 **married person,**

27 **HARISH PANNALAL SHAH and**  
28 **MADHAVI H. SHAH, husband and**  
**wife,**

**Respondents.**

Arizona Corporation Commission  
**DOCKETED**

**AUG 26 2011**

DOCKETED BY	<i>[Signature]</i>
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1 The only response from the Arizona Corporation Commission staff is that  
2 because the Trustee of Radical Bunny (not the Respondents) had a copy of the  
3 materials apparently omitted from the Quarles & Brady response to a formal  
4 subpoena, that means that the evidence cannot be used no matter how damaging  
5 those documents are to the lawyers at Quarles & Brady or to the contention that the  
6 respondents were told to stop doing business. Obviously in spite of the testimony  
7 of Mr. Hoffman, the Respondents' were not told to stop doing business. Quarles &  
8 Brady was providing them with materials to use in the "interim".

9 Every party is entitled to rely on the response to a subpoena. No litigant has  
10 a duty to go casting about the earth hoping to find additional sources of documents  
11 which would indicate that lawyers admitted to the bar and subject to all of the  
12 attendant ethical requirements would provide an incomplete response to a  
13 subpoena in a joint investigation by the Arizona Corporation Commission and the  
14 SEC. It is not the Respondent's job to assume that subpoenas will not be obeyed  
15 or that responses will be false.

16 The files of the Trustee of Radical Bunny are voluminous and these  
17 Respondents were entitled to believe that when they specifically requested and  
18 obtained "all of the files of Quarles & Brady" that they had all of the  
19 correspondence and communication that Quarles & Brady had with Radical  
20 Bunny. The law imposes no duty to double check each and every document  
21 against files in the possession of third parties. The motion should be granted.  
22

23 RESPECTFULLY SUBMITTED this 26<sup>th</sup> day of August, 2011.

24 **LAVELLE & LAVELLE, PLC**

25 By:   
26 Michael J. LaVelle

27 *Attorneys for Respondents Tom Hirsch, Diane Rose Hirsch, Berta*  
28 *Walder, Howard Walder, Harish P. Shah, Madhavi H. Shah and Horizon*  
*Partners, LLC*

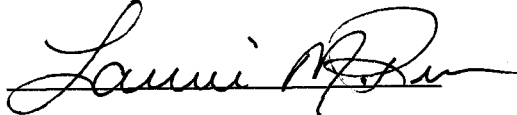
1 ORIGINAL and 13 COPIES filed this  
2 26<sup>th</sup> day of August, 2011 with:

3 **ARIZONA CORPORATION COMMISSION**  
4 Securities Division  
5 1300 West Washington, Third Floor  
6 Phoenix, Arizona 85007

7 COPY of the foregoing MAILED this  
8 26<sup>th</sup> day of August, 2011 to:

9 Lyn Farmer  
10 Chief Administrative Law Judge  
11 **ARIZONA CORPORATION COMMISSION**  
12 1200 West Washington  
13 Phoenix, Arizona 85007

14 Julie Coleman  
15 **ARIZONA CORPORATION COMMISSION**  
16 Securities Division  
17 1300 West Washington, Third Floor  
18 Phoenix, Arizona 85007

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